

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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MIGUEL ANGEL GARCIA,

Plaintiff,

Case No. 2:14-cv-01456-RFB-PAL

V.

TOP RANK, INC.,

Defendant.

ORDER

(Mot. to Seal – Dkt. #127)

This matter is before the Court on the Motion for Leave to File Under Seal (Dkt. #127) by Defendant Top Rank, Inc. (“Top Rank”).

On July 23, 2015, Top Rank filed a Motion to Compel (Dkt. #78) requesting production of Plaintiff's managerial agreement with non-party Al Haymon ("Managerial Agreement") and communications related to that agreement. On August 18, 2015, the undersigned held a hearing during which the Court granted Top Rank's motion in part and ordered the following:

The Managerial Agreement will be produced and subject to a Protective Order, which directs that the Managerial Agreement may not be used for any purposes other than this litigation. The financial portions of the Agreement ... shall be designated *Litigation Attorney's Eyes Only*.

Mins. of Proceedings (Dkt. #100); *see also* Aug. 18, 2015 Hr’g Tr. (Dkt. #104). Because the Court ordered that the unredacted Managerial Agreement be designated “*Litigation Attorney’s Eyes Only*,” Top Rank’s Motion seeks leave file the same under seal as Exhibit L in Support of Top Rank’s Motion for Summary Judgment (Dkt. #91).

The Court entered a strict protective order on the Managerial Agreement because the sensitive financial information contained therein could give Top Rank or other boxing promoters an unfair competitive advantage if the information was made public. *See* Aug. 18, 2015 Hrg Tr. at 30–33. Having reviewed and considered the matter in accordance with the Ninth Circuit’s

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1 directives set forth in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006),
 2 the Court finds that compelling reasons exist for these documents to remain sealed.

3 However, a review of the docket reflects that Top Rank did not actually *file* the
 4 Managerial Agreement *under seal* but, instead, filed a document suggesting it was submitted *in*
 5 *camera*.¹ Special Order 109 requires the Clerk of the Court to maintain in electronic form the
 6 official files for all cases filed on or after November 7, 2005. The electronic record constitutes
 7 the official record of the court. Pursuant to LR 10-5 of the Local Rules of Practice, attorneys
 8 must file documents under seal using the court's electronic filing procedures:

9 Unless otherwise permitted by statute, rule or prior Court order, papers filed with
 10 the Court under seal shall be accompanied by a motion for leave to file those
 11 documents under seal, and shall be filed in accordance with the Court's electronic
 12 filing procedures. If papers are filed under seal pursuant to prior Court order, the
 13 papers shall bear the following notation on the first page, directly under the case
 14 number: "FILED UNDER SEAL PURSUANT TO COURT ORDER DATED
 15 _____." All papers filed under seal will remain sealed until such time as
 16 the Court may deny the motion to seal or enter an order to unseal them, or the
 17 documents are unsealed pursuant to Local Rule.

18 *See LR 10-5(b).* The Managerial Agreement must be electronically filed on the Court's docket
 19 through CM/ECF to be made part of the official record and considered in conjunction with Top
 20 Rank's Motion for Summary Judgment (Dkt. #91).

21 Accordingly,

22 **IT IS ORDERED:**

23 1. Defendant Top Rank, Inc.'s Motion for Leave to File Under Seal (Dkt. #127) is
 24 **GRANTED.**

25 2. Defendant Top Rank, Inc. shall electronically **FILE** the Managerial Agreement
 26 **UNDER SEAL** in CM/ECF and link the new filing to the Response to Motion for
 27 Partial Summary Judgment (Dkt. #126) and Exhibit L (Dkt. #126-1). For additional
 28 direction, Top Rank may refer to the *CM/ECF Version 4.0 Enhancements and*

27 ¹ On October 1, 2015, Top Rank filed a Notice re: In Camera Submission (Dkt. #128) stating that it would
 28 deliver a copy of the Managerial Agreement to the "chambers of the appropriate judge." Neither the
 undersigned nor District Judge Richard F. Boulware's chambers have received the in camera submission.

1 Changes instruction guide, which is available on the Court's website, or contact the
2 CM/ECF Helpdesk at (702) 464-5555.

DATED this 13th day of November, 2015.

Peggy A. Teer
PEGGY A. TEER
UNITED STATES MAGISTRATE JUDGE